

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Care of Persons with Dementia in Residential Care Facilities for the Elderly

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at the public hearing to be held on January 15, 2003, as follows:

January 15, 2003
CDSS Office Building #9
744 P Street, Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on January 15, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Community Care Licensing, Title 22, Division 6, Chapter 8 – Residential Care Facilities for the Elderly, Section 87101 [Definitions], Section 87111 [Advertisements and License Number], Section 87222 [Plan of Operation], Section 87565 [Personnel Requirements - General], Section 87566 [Personnel Records], Section 87569 [Medical Assessment], Section 87570 [Resident Records], Section 87582 [Acceptance and Retention Limitations], Section 87591 [Observation of the Resident], Section 87593 [Requirements for Emergency Adult Protective Services Placements], Section 87724 [Care of Persons with Dementia], Section 87725 [Advertising Dementia Special Care], Section 87725.1 [Training Requirements if Advertising Dementia Special Care], and Section 87725.2 [Advertising Dementia Special Care at Final Adoption of Regulations].

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposed package puts into regulations the requirements of AB 1753 (Romero), Chapter 434, Statutes of 2000 that is specific to Residential Care Facilities for the Elderly (RCFEs). This legislation imposes requirements for licensees who advertise/promote dementia special care, programs, and/or environments for residents with dementia. Also, this legislation amends Sections 1569.15(m), 1569.33(d) and adds Sections 1569.626 and 1569.627 to the Health and Safety Code. Statute requires the licensee to disclose the facility's specialized services, programs and environments that pertain to dementia special care in its plan of operation and to the public upon request. In addition, it requires the licensee to ensure that direct care staff, who provide care to residents with dementia, receive six hours of resident care orientation within the first four weeks of employment. They must also receive eight hours of in-service training per year on the subject of caring for residents with dementia.

Sections 87101, 87222, 87565, and 87566 are proposed for amendment and Sections 87725, 87725.1, and 87725.2 are proposed for adoption to implement this legislation in Title 22, Division 6, Chapter 8 in the Manual of Policies and Procedures for RCFEs. In addition, an implementation plan for AB 1753 went into effect on July 1, 2001, which must be followed until final regulations are adopted.

Additionally, CDSS is reformatting the existing RCFE regulations and proposing new language focusing on safeguards and dignity issues, including self-storage of the residents' personal hygiene and grooming supplies. The present requirement for licensing approval to care for certain individuals with dementia, through a dementia waiver, will be eliminated. In addition, new definitions are proposed. These revisions incorporate input from a dementia workgroup policy forum. These proposed amendments are located in Title 22, Division 6, Chapter 8 in the Manual of Policies and Procedures for RCFEs, in Sections 87101, 87111, 87222, 87566, 87569, 87570, 87582, 87591, 87593, and 87724.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is an impact on small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1569.30 and 1569.31. Subject regulations implement and make specific Health and Safety Code Sections 1569.15(m), 1569.22, 1569.312, 1569.33(d), 1569.355, 1569.62(a), 1569.625, 1569.626, and 1569.627.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Jaimie Porter (916) 653-8000

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Debbie Fox (916) 322-3178
Backup: Joan Regeleski (916) 324-3952

AGENDA ITEMS FOR THIS PUBLIC HEARING – January 15, 2003

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| ITEM # 1 | ORD #0702-17 | Care of Persons with Dementia in Residential Care Facilities
for the Elderly |
| ITEM # 2 | ORD #0802-20 | Adult Residential Facility Hospice Package |